

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3425.05US02

Vetter

Confirmation No.: 7868

Application No.: 10/790,667

Examiner: Fenstermacher

Filed: March 1, 2004

Group Art Unit: 3682

For: OPERATOR ASSEMBLY

REQUEST TO REMAIL OFFICE ACTION AND RESTART PERIOD FOR REPLY
DUE TO OFFICE ERROR

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP § 710.06 Applicant hereby requests that the Office Action of July 18, 2007, be remailed and the time period for response be restarted due to material errors in the Office Action that affect Applicant's ability to reply. Specifically:

1. No status (e.g. allowed, rejected, objected to, withdrawn) is given for pending claims 30-39 in the Office Action Summary.
2. The Office Action Summary indicates that claims 1-6, 8-13, 15-18, 20-24 and 26-29 are rejected. The Detailed Action, however, indicates that claims 18, 20-23, and 30-35 are rejected under 35 U.S.C. § 112 and that claim 1 is rejected under 35 U.S.C. § 102. No


grounds of rejection or rationale are provided for claims 2-6, 8-13, 15-17, 24, 26-29 or 36-39, thereby making the basis upon which these claims are rejected or objected to unclear and rendering it impossible to respond.

3. Although the Office Action Summary indicates that the drawings are accepted by the Examiner, the Detailed Action indicates that the drawings are objected to under 37 CFR 1.83(a), making it unclear as to whether the drawings are or are not objected to. Moreover, the drawing objection stated in the Detailed Action (e.g. the drawings must show "planetary gearing" or said feature must be cancelled from claims 18 and 30), appears to be based on a misreading of the claims and an erroneous understanding of the disclosed inventions. Claims 18 and 30 do not simply claim "planetary gearing." Rather, these claims recite "a planet gear arm" and a "sun gear" Applicant directs the attention of the Office to paragraph 0046 of the published application, wherein a "planet gear arm" is clearly identified as reference numeral 172 and a "sun gear" is clearly identified as reference numeral 174. Structure corresponding to reference numerals 172 and 174 is depicted in at least Figures 4 and 5. Accordingly, Applicant submits that no drawing objection is warranted and none should be included in a reissued Office Action.
4. Although the Office Action Summary contains no indication that the specification is objected to by the Examiner, the Detailed Action indicates that the specification is objected to based on some unspecified legal authority, making it unclear as to whether the specification is or is not objected to. Moreover, the stated objection (e.g. "the use of

'planetary gearing' terminology is inconsistent with industry accepted terms") appears to be based on an erroneous understanding of the disclosed inventions. Structure 172 is appropriately termed a "planet gear arm" because its axis of rotation translates about the circumference of gear 174 as structure 172 rotates. The axis of rotation of gear 174 remains fixed and does not translate – hence, it is properly termed a "sun gear." These elements exhibit epicyclic (i.e. planetary) motion relative to each other and in fact are exemplary of a classic four-bar planetary gear train. Accordingly, Applicant submits that no specification objection is warranted and none should be included in a reissued Office Action.

These matters were originally brought to the attention of the Examiner in a telephone communication initiated by undersigned counsel on August 1, 2007.

Respectfully submitted,


Bradley J. Thorson
Registration No. 52,288

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5756

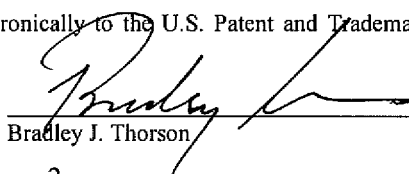
Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted electronically to the U.S. Patent and Trademark Office Electronic Filing Website on the date shown below.

Date

August 15, 2007


Bradley J. Thorson